

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Brandy T., ¹)	C/A No.: 1:23-2652-SVH
)	
Plaintiff,)	
)	
vs.)	
)	
Martin O'Malley,)	ORDER
Commissioner of Social Security)	
Administration, ²)	
)	
Defendant.)	
)	

This matter is before the court on Plaintiff's motion for attorney fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412 ("EAJA"). [ECF No. 16]. On November 3, 2023, the court issued an order reversing the Commissioner's decision pursuant to sentence four of 42 U.S.C. § 405(g), and remanding the case for further administrative proceedings. [ECF No. 14]. On January 2, 2024, Plaintiff filed this motion seeking \$2,975.88 in attorney fees. [ECF No. 16]. The Commissioner subsequently filed a response indicating he did not object to Plaintiff's motion. [ECF No. 17]. Given the Commissioner's acquiescence and Plaintiff's attorney's representations in his

¹ The Committee on Court Administration and Case Management of the Judicial Conference of the United States has recommended that, due to significant privacy concerns in social security cases, federal courts should refer to claimants only by their first names and last initials.

² Martin O'Malley was confirmed by the Senate and sworn in as Commissioner of the Social Security Administration on December 20, 2023. Pursuant to Fed. R. Civ. P. 25(d), he is substituted for Kilolo Kijakazi as a party to this action.

motion and in accordance with 28 U.S.C. § 2412(a) and § 2412(d), the court grants the motion and directs the Commissioner to pay Plaintiff \$2,975.88. This payment shall constitute a complete release from and bar to any further claims Plaintiff may have under the EAJA to fees, costs, and expenses incurred in connection with disputing the Commissioner's decision. This award is without prejudice to the rights of Plaintiff's counsel to seek attorney fees under section 206(b) of the Social Security Act, 42 U.S.C. § 406(b), subject to the offset provisions of the EAJA.

Under *Astrue v. Ratliff*, 560 U.S. 586, 595–97 (2010), EAJA fees awarded by this court belong to Plaintiff and are subject to offset under the Treasury Offset Program (31 U.S.C. § 3716(c)(3)(B) (2006)). Therefore, the court orders the EAJA fee be paid to Plaintiff through payment delivered to Plaintiff's counsel.³

IT IS SO ORDERED.

January 3, 2024
Columbia, South Carolina



Shiva V. Hodges
United States Magistrate Judge

³ Counsel may disburse these funds to satisfy valid liens or in accordance with a lawful assignment.